

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

GLOBAL CONTACT, INC.	:	CIVIL ACTION
Plaintiff	:	
	:	
v.	:	NO. 04 CV 6911 (H.B.)
	:	
	:	
PRECISION TUBE CO.	:	
Defendant	:	JURY TRIAL DEMANDED

PRETRIAL ORDER

Harold Baer, District Judge:

The parties having conferred among themselves and the Court pursuant to Fed. R. Civ. P. 16, now therefore the following statements, directions and agreements are adopted as the Pretrial Order herein:

I. COUNSEL FOR THE PARTIES:

Attorneys for Plaintiff:

Harry J. Friedberg, Esquire (HJF-9982)
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Attorneys for Defendant:

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II. SUBJECT MATTER JURISDICTION

Plaintiff GLOBAL CONTACTS INC. is a corporation domiciled and doing business in the County, City and State of New York. Defendant PRECISION TUBE CO. is a corporation domiciled and doing business in the State of Pennsylvania. This Court has jurisdiction in this matter pursuant to 28 U.S.C. § 1332(a) in that the matter in controversy exceeds the sum of \$75,000 and is between citizens of different states. Venue is proper in this Court pursuant to 28 U.S.C. § 1391. There is no dispute concerning jurisdiction or venue.

IV. CLAIMS AND DEFENSES

A. Plaintiff

Plaintiff seeks monetary damages for breach of contract, fraud, negligent misrepresentation, breach of express warranties, breach of implied warranties for merchantability, breach of implied warranties for ordinary use and breach of warranties for fitness of purpose in connection with plaintiff's order of 3000 defective copper-nickel tubes to be used in a water desalinization plant in Qatar. Plaintiff alleges that defendant delivered defective merchandise. Plaintiff alleges that it incurred direct costs and damages including monies paid to the defendant, consequential and incidental damages, loss of business and other damages as will be proved at trial.

Plaintiff is no longer asserting: N/A.

B. Defendant

Plaintiff provided a detailed written specification for the tubes in question. The specification stated the alloy to be used (90-10 copper nickel), the special shape and the dimensions (length, outer diameter, inner diameter and wall thickness) to the thousandth of an inch. Prior to shipment, the tubes manufactured by defendant were inspected by a third-party inspector engaged by plaintiff's customer. The third-party inspector, a mechanical engineer, conferred with plaintiff's customer and certified the tubes as meeting the specifications in all respects. Only after that inspection and certification were the tubes released for shipment. Since defendant manufactured the tubes to plaintiff's specification and the tubes met the specification, all of plaintiff's claims (breach of contract, fraud, negligent misrepresentation and breach of warranties) fail as a matter of law. *See U.S. v. Spearin*, 248 U.S. 132, 30 S.Ct. 59 (1918)(where government specified materials, dimensions, location and character of sewer to be constructed by

contractor, contractor not liable for inadequacies in sewer due to design); *Tide Water Bldg. Co. v. Hammond*, 129 N.Y.S. 355 (1911)(where contractor followed plans of owner for building roof and waterproofing walls, contractor not liable where owner's plans proved insufficient); *cf. Szatkowski v. Turner & Harrison, Inc.*, 184 A.D.2d 504, 584 N.Y.S.2d 170 (1992)(holding "contractor is not responsible for injuries resulting from a defective plan or design if it diligently complies with the specifications furnished to it by the owner."). Defendant will move for a directed verdict at the close of plaintiff's case. Additionally, defendant has a crossclaim for the unpaid balance due under the contract in the amount of \$16,685.

Defendant is no longer asserting: N/A.

IV. STIPULATIONS

- A. That an agreement was entered into when the defendant accepted the plaintiff's August 23, 2001 purchase order.

V. WITNESSES

A. Plaintiff:

1. Edward Macomb, President of Global Contacts, Inc., in person;
2. Edward Kezys, Vice President of Global Contacts, Inc., in person;
3. Theodore R. Wilken, engineer, metallurgist employed by Bodycote Materials Testing, Inc., in person;
4. Dennis B. Kremer, CPA, in person; and
5. Dhiren Goradia, employee of Global Contacts, Inc., in person.

B. Defendant:

1. John Gentile, Vice President of Sales, Precision Tube Company, in person;
2. Edward Kezys, former Vice President of Global Contacts, Inc., in person;
3. Henry Gallo, Third Party Inspector - Velosi America, LLC, in person;
4. Leonardo Amaton, Quality Assurance Manager, Precision Tube Company, in person;
5. Campbell Laird, Ph.D., metallurgy expert for Precision Tube Company, in person; and
6. Howard Silverstone, CPA, damages expert for Precision Tube Company, in person.

VI. DEPOSITION DESIGNATIONS

None.

VII. EXHIBIT LIST**A. Plaintiff**

Exhibit No.	Description	Objection	Response to Objection
P-1	Quote Request - Saudi Arabian Oil Co. - 11/29/98		
P-2	Schedule A - Qatar Petroleum - 2001		
P-3	Fax to Global from Sulaiman Petrotech Est. - 6/3/01		
P-4	Request for Quotation - Global Contacts, Inc. - 6/4/01		
P-5	Fax to Sulaiman Petrotech Est. from Global - 6/12/01		
P-6	Quotation to Sulaiman Petrotech - Global - 6/12/01		
P-7	Diagram		
P-8	Fax to Qatar Petroleum from Qatari Industrial Equip. - 7/3/01		
P-9	Fax to Sulaiman Petrotech from Global - 7/4/01		
P-10	Fax to Sulaiman Petrotech from Global - 7/4/01		
P-11	Invoice - Qatar Petroleum - 7/26/01		
P-12	Invoice - Qatar Petroleum - 7/26/01		
P-13	Invoice - Qatar Petroleum - 7/26/01		
P-14	Invoice - Qatar Petroleum - 7/26/01		
P-15	Invoice - Qatar Petroleum - 7/26/01		
P-16	Invoice - Qatar Petroleum - 7/26/01		
P-17	Invoice - Qatar Petroleum - 7/26/01		
P-18	Invoice - Qatar Petroleum - 7/26/01		
P-19	Invoice - Qatar Petroleum - 7/26/01		
P-20	Invoice - Qatar Petroleum - 7/26/01		
P-21	Invoice - Qatar Petroleum - 7/26/01		
P-22	Invoice - Qatar Petroleum - 7/26/01		
P-23	Invoice - Qatar Petroleum - 7/26/01		
P-24	Fax to Sulaiman Petrotech from Global - 8/6/01		
P-25	E-mail to Sulaiman Petrotech from E. Kezys - no date		
P-26	Purchase Order - Sulaiman Petrotech Est. - 8/2/01		
P-27	Fax to Global from Sulaiman Petrotech Est. - 8/2/01		
P-28	E-mail from Bill to Jean - 8/7/01		
P-29	Fax - Qatari Industrial to C.J. Bandick - 8/8/01		
P-30	Attachment #001 - no date		
P-31	Fax - transmittal to A.U.M. Rao from Qatari Ind. - 8/9/01		
P-32	Quotation - Olin Fineweld Tube - 8/10/01		
P-33	Memo to Global from Precision Tube Co. - 8/10/01		
P-34	Fax to Precision Tube Co. from Global - 8/10/01		
P-35	Fax to Precision Tube Co. from Tubes, Inc. - 8/15/01		
P-36	Correspondence to Global from Precision Tube Co. - 8/20/01		
P-37	Fax to Precision Tube Co. from Global - 8/23/01		
P-38	Purchase Order to Precision from Global - 8/23/01		

Exhibit No.	Description	Objection	Response to Objection
P-39	Notices for Invoices - Qatar Petroleum - 8/23/01		
P-40	Fax to Precision Tube Co. - Global - 8/23/01 (9/13/01 note per John Gentile)		
P-41	Fax to Global from Sulaiman Petrotech Est. - 8/30/01		
P-42	E-mail from E. Kezys to Jerry Troy and e-mail from J. Troy to E. Kezys - 9/5/01		
P-43	E-mail from Jerry Troy to C. Blackledge/J. Gentile and e-mail from Jerry Troy to E. Kezys, etc. - 9/7/01		
P-44	Acknowledgement from Precision Tube Co. - 9/13/01		
P-45	Memo from Precision Tube Co. to Global - 9/13/01		
P-46	Diagram - 9/13/01		
P-47	Fax to Precision Tube Co. from Global - 10/18/01 with attached drawings PTC62-66		
P-48	Fax to Sulaiman Petrotech Est. from Global - 11/2/01		
P-49	Fax to Qatari Ind. Equipment from Qatar Petroleum - 11/29/01		
P-50	Fax to Sulaiman Petrotech Est. from Global - 11/30/01		
P-51	Fax to E. Kezys from Precision Tube Co. - 12/12/01		
P-52	Handwritten Note - Global Contacts - 12/12/01		
P-53	Diagram - 9/ /01		
P-54	Diagram - 12/13/01		
P-55	Fax to Global from Precision Tube Co. - 12/13/01		
P-56	Invoice - Precision Tube - 12/14/01		
P-57	Correspondence from Qatari Industrial - 12/26/01 with diagram		
P-58	Correspondence from Precision Tube to Global - 1/9/02		
P-59	E-mail from E. Kezys to Sulaiman Petrotech - 1/11/02		
P-60	Fax from Qatar Petroleum to Qatari Ind. Equip. - 1/15/02		
P-61	Fax from Qatar Petroleum to Qatari Ind. Equip. - 1/20/02		
P-62	E-mail to E. Kezys from Ajay Pandith, etc. - 1/28/02		
P-63	E-mail to John Gentile from E. Kezys, etc. - 1/28/02		
P-64	Handwritten note with E. Kezys info.		
P-65	Handwritten note with Global info.		
P-66	E-mail from Ajay Pandith to E. Kezys, etc. - 1/31/02		
P-67	Fax to Sulaiman Petrotech Est. from Global - 2/4/02		
P-68	Fax to Sulaiman Petrotech Est. from Global - 2/4/02		
P-69	Correspondence from Precision Tube to Global - 2/5/02		
P-70	Certificate of Compliance - Precision Tube Co. - 2/7/02		
P-71	Memo from Precision Tube Co. to Velosi (Gallo) - 2/7/02		
P-72	Qatar-QC Surveillance Release 1/Rejection Note - 2/7/02		
P-73	Qatar-QC Surveillance Release 2/Rejection Note -		

Exhibit No.	Description	Objection	Response to Objection
	2/21/02		
P-74	Qatar-QC Surveillance Release 2/Rejection Note - 2/21/02		
P-75	Memo from Precision Tube to Global - 2/26/02		
P-76	Invoice from Global to Qatar Petroleum - 3/1/02		
P-77	E-mail from Sulaiman Petrotech Est. to Global - 3/7/02		
P-78	Fax from Global re Qatar Petroleum - 3/11/02		
P-79	Memo from Precision Tube to Global - 3/11/02		
P-80	Invoice from Precision Tube to Global & Qatar Petro. - 3/27/02		
P-81	E-mail from John Sales to Donna Sumpf - 4/2/02		
P-82	E-mail from Leonard Amaton to Donna Sumpf - 4/3/02		
P-83	Fax from Precision Tube to Global - 4/3/02		
P-84	Memo from Precision Tube to Global - 4/3/02		
P-85	E-mail from John Gentile to Donna Sumpf - 4/10/02		
P-86	Qatar-QC Surveillance Release 3/Rejection Note - 4/11/02		
P-87	Fax from Precision Tube to Global - 4/11/02		
P-88	Invoice from Global to Qatar Petroleum - 4/19/02		
P-89	Invoice from Global to Qatar Petroleum - 4/19/02		
P-90	Fax from Abdul Aziz Z. Al-Taleb to QIE - 6/11/02	Hearsay	Business record-waiver
P-91	E-mail from Anurag Srivastava to Dhiren cc: Kezys - 6/20/02		
P-92	Fax from Global to Sulaiman and Qatar Petroleum with cargo receipt; Release 3, 3 R, 2 - 6/20/02		
P-93	Site visit report - 8/6/02	Hearsay	Business record-waiver
P-94	E-mail from Dhiren to Gloconic - 6/22/02		
P-95	Fax to Global from Qatari Industrial - 8/8/02	Hearsay	Business record-waiver
P-96	E-mail from Anurag Srivastava to Kezys - 8/8/02		
P-97	Fax to Qatari Inds. from Qatar Petroleum - 8/8/02	Hearsay	Business record-waiver
P-98	Fax to Precision Tube Co. from Global - 8/8/02	Hearsay	Business record-waiver
P-99	Fax from Qatar Petroleum to Qatari Indus. - 8/8/02	Hearsay	Business record-waiver
P-100	Memo from Leonardo Amaton to Blackledge, etc. - 8/9/02		
P-101	Fax from Global to Qatari Indus. - 8/9/02		
P-102	Memo from Precision Tube to Global - 8/9/02		
P-103	Fax from Qatar Petroleum to Qatari Indus. - 8/12/02	Hearsay	Business record-waiver
P-104	Fax from Global to Qatari Industrial - 8/13/02		
P-105	Memo from Precision Tube Kezys - 8/13/02		
P-106	Fax from Global to Precision Tube - 8/13/02	Hearsay	Business record-waiver
P-107	Memo from Precision Tube to Global - 8/13/02		
P-108	Fax to Global from Qatari Industrial - 8/15/02	Hearsay	Business record-waiver
P-109	Fax from Qatar Petroleum to Qatari Industrial - 8/15/02	Hearsay	Business record-waiver
P-110	Fax from Qatar Petroleum to Qatari Industrial - 8/15/02	Hearsay	Business record-waiver
P-111	E-mail from Kezys to Sulaiman Petrotech - 8/17/02		
P-112	E-mails from Anurag Srivastava to Jbrowerm, etc. - 8/21/02	Hearsay	Business record-waiver

Exhibit No.	Description	Objection	Response to Objection
P-113	Fax from Global to Qatari Industrial - 8/22/02		
P-114	Fax from Global to Precision Tube - 8/22/02	Hearsay	Business record-waiver
P-115	Fax from Precision Tube to Global - 8/22/02		
P-116	Invoice from Global to Qatar Industrial - 8/23/02		
P-117	Fax from Global to Qatari Industrial - 8/23/02		
P-118	Invoice from Global to Qatar Industrial - 8/23/02		
P-119	Airway bill to Global from Freight America - 8/23/02		
P-120	Invoice from Freight America to Global - 8/23/02		
P-121	Fax from Qatar Petroleum to Qatari Industrial - 9/16/02	Hearsay	Business record-waiver
P-122	Fax from Qatar Petroleum to Qatari Industrial - 9/16/02	Hearsay	Business record-waiver
P-123	Fax from Qatari Indust. to Global - 9/19/02		
P-124	Fax from Global to Qatari Industrial - 9/19/02		
P-125	Fax from Qatari Indust. to Global - 9/21/02	Hearsay	Business record-waiver
P-126	Fax from Global to Precision - 9/23/02		
P-127	Fax from Precision Tube to Global - 9/23/02		
P-128	Fax from Global to Qatari Industrial - 9/26/02		
P-129	Fax from Qatari Indust. to Global - 9/26/02	Hearsay	Business record-waiver
P-130	Fax from Global to Precision Tube - 9/27/02	Hearsay	Business record-waiver
P-131	Fax from Qatari Indust. to Global - 9/28/02		
P-132	Fax from Qatari Indust. to Global - 10/2/02	Hearsay	Business record-waiver
P-133	Fax from Global to Qatari Industrial - 10/4/02		
P-134	Fax from Global to Qatari Industrial and Reminder - 10/8/02		
P-135	Fax from Qatari Indust. to Global - 10/14/02	Hearsay	Business record-waiver
P-136	Fax from Global to Precision Tube - 10/14/02	Hearsay	Business record-waiver
P-137	Fax from Precision Tube to Global - 10/18/02		
P-138	Fax from Qatari Indust. to Global - 10/23/02	Hearsay	Business record-waiver
P-139	Fax from Global to Precision Tube - 10/23/02	Hearsay	Business record-waiver
P-140	Fax from Precision Tube to Global - 10/23/02		
P-141	Fax from Precision Tube to Global (2nd Notice) - 10/23/02		
P-142	Fax from Precision Tube to Global - 10/24/02		
P-143	Fax from Qatari Indust. to Global - 11/3/02	Hearsay	Business record-waiver
P-144	Fax from Qatari Indust. to Global - 11/6/02	Hearsay	Business record-waiver
P-145	Correspondence from Qatari Indust. to Global - 11/17/02	Hearsay	Business record-waiver
P-146	Fax from Global to Precision Tube (Reminder) - 11/21/02	Hearsay	Business record-waiver
P-147	Fax from Global to Precision Tube - 12/6/02		
P-148	Fax from Precision Tube to Global - 12/9/02		
P-149	Fax from Global to Precision Tube - 12/10/02		
P-150	Fax from Global to Qatari Ind. Equip. - 12/13/02		
P-151	Fax from Qatari Indust. to Global - 12/19/02		
P-152	Fax from Global to Qatari Ind. Equip. - 12/27/02		
P-153	Fax from Qatar Petroleum to QIE - 12/30/02	Hearsay	Business record-waiver
P-154	Fax from Global to Precision Tube - 12/31/02	Hearsay	Business record-waiver
P-155	Fax from Global to Precision (Reminder) - 12/31/02	Hearsay	Business record-waiver

Exhibit No.	Description	Objection	Response to Objection
P-156	Fax from Precision Tube to Global - 1/10/03		
P-157	Invoice from Qatari Industrial Equip. - 4/2/03		
P-158	E-mail from Anurag Srivastava to Kezys - 4/5/03	Hearsay	Business record-waiver
P-159	E-mail from Anurag Srivastava to Kezys - 4/8/03	Hearsay	Business record-waiver
P-160	E-mail from John Gentile to Bonnie Pamiska - 4/25/03		
P-161	E-mail from John Gentile to Amaton, Brower, etc. - 4/25/03		
P-162	E-mail from Kezys to Leonardo Amaton - 5/14/03		
P-163	E-mail from Kezys to Leonardo Amaton - 5/19/03		
P-164	E-mail to Anurag Srivastava - 6/3/03	Hearsay	Business record-waiver
P-165	Invoice from Aramex Aircargo to Qatari Ind. Equip. - 6/4/03		
P-166	Invoice from Aramex Aircargo to Qatari Ind. Equip. - 6/4/03		
P-167	Correspondence from Friedberg to Precision Tube - 6/24/03	Hearsay	Attorney demand letter to defendant
P-168	E-mail from Anurag Srivastava to Kezys - 7/3/03		
P-169	Arrival notice from Consolidated Shipping to Precision - 7/22/03		
P-170	E-mail from Ken Hacquoil to DOH Duret William - 7/24/03		
P-171	Invoice from Consolidated Shipping Line to Precision - 7/31/03		
P-172	E-mail from Anurag Srivastava to Kezys - 8/26/03		
P-173	Correspondence from John Gentile to Kezys - 9/3/03		
P-174	Memo from L. Amaton to J. Gentile - 9/3/03	Hearsay	Defendant's document
P-175	E-mail from Anurag Srivastava to Kezys - 9/4/03	Hearsay	Business record-waiver
P-176	Invoice from Qatari Ind. Equip. to Precision Tube, fax from Global to Precision Tube and e-mail from Anurag Srivastava to Kezys - 9/4/03	Hearsay	Business record-waiver; document between parties
P-177	E-mail from Anurag Srivastava to Kezys - 9/10/03	Hearsay	Business record-waiver
P-178	E-mail from Anurag Srivastava to Kezys - 9/11/03	Hearsay	Business record-waiver
P-179	Fax from Global to Precision Tube - 9/12/03		
P-180	E-mail from Anurag Srivastava to Kezys - 9/13/03	Hearsay	Business record-waiver
P-181	E-mail from Anurag Srivastava to Kezys - 9/23/03	Hearsay	Business record-waiver
P-182	E-mail from J. Gentile to Ami Kelley - 9/23/03		
P-183	Instruction outline from L. Amaton - 9/26/03		
P-184	Fax from Global to Precision Tube - 10/2/03	Hearsay	Document between parties; business record; waiver
P-185	Correspondence from Precision Tube to Global - 10/17/03		
P-186	Fax from Global to Precision Tube - 10/27/03	Hearsay	Document between parties; business record; waiver
P-187	Fax from Global to Precision Tube - 10/29/03		Document between parties; business record;

Exhibit No.	Description	Objection	Response to Objection
			waiver
P-188	E-mails from Anurag Srivastava to Kezys, etc. - 11/11/03	Hearsay	Business record; waiver
P-189	E-mail from Anurag Srivastava to Kezys - 3/9/04	Hearsay	Business record; waiver
P-190	E-mail from Anurag Srivastava to Goradia & Kezys - 3/10/04	Hearsay	Business record; waiver
P-191	E-mail from Anurag Srivastava to Kezys - 3/11/04	Hearsay	Business record; waiver
P-192	E-mail from Anurag Srivastava to Kezys - 3/13/04	Hearsay	Business record; waiver
P-193	E-mail from Kezys to J. Gentile - 3/18/04	Hearsay	Document between parties; business record; waiver
P-194	E-mail from Anurag Srivastava to Kezys - 3/24/04	Hearsay	Business record; waiver
P-195	E-mail from Anurag Srivastava to Kezys - 3/30/04	Hearsay	Business record; waiver
P-196	Correspondence from Precision Tube to Global - 4/5/04		
P-197	E-mail from Anurag Srivastava to Kezys - 4/13/04	Hearsay	Business record; waiver
P-198	E-mail from Anurag Srivastava to Kezys - 4/20/04	Hearsay	Business record; waiver
P-199	Diagram (PTC000001)		
P-200	Diagram (PTC000002)		
P-201	CV of Theodore R. Wilken		
P-202	Report of Theodore R. Wilken	Hearsay	Offer after testimony
P-203	Report Dennis B. Kremer, CPA	Hearsay	Offer after testimony
P-204	Mueller Industries 10Q	Relevance	Punitive damages
P-205	150 9001 1994 Requirements		
P-206	Video of Tubes		

B. Defendant

Exhibit No.	Description	Objection	Response to Objection
D-1	Sulaiman request for quote to Global Contacts (Kezys 1) (3 pgs)		
D-2	HDE drawing (Kezys 2)		
D-3	Global request for quote to HDE (Kezys 3)		
D-4	Global request for quote to Precision (Kezys 4)		
D-5	Global request for quote to GROB (Kezys 5)		
D-6	HDE quote dated 6/4/01 (Kezys 6)		
D-7	Global quote to Sulaiman dated 6/12/01 (Kezys 9) (2 pgs)		
D-8	Global's 8/6/01 fax to Sulaiman re change in material (Kezys 15)		
D-9	Precision's 8/10/01 quote to Global (Kezys 10)		
D-10	Global's 8/10/01 fax to Precision regarding price		
D-11	Precision's 8/20/01 fax to Global regarding lower price (Kezys 11)		
D-12	Global's drawing of arsenical aluminum brass fluted tube (Kezys 7)		

Exhibit No.	Description	Objection	Response to Objection
D-13	Precision's drawing no. 880/333 dated 6/4/99 (Kezys 8)		
D-14	Global's 8/23/01 order to Precision (Kezys 12) (5 pgs)		
D-15	Global's 9/6/01 e-mail waiving late penalty (8 pgs)		
D-16	E-mails regarding late penalty (3 pgs)		
D-17	Precision's 9/13/01 note regarding waiver of terms and conditions		
D-18	Precision's 9/13/01 acknowledgement (Kezys 18)		
D-19	Precision's 9/13/01 pick list		
D-20	Precision's 9/13/01 fax to Global enclosing drawing		
D-21	Precision's 9/13/01 drawing		
D-22	Global's 10/18/01 fax to Precision regarding revisions to drawing		
D-23	Precision's revised drawing		
D-24	Global's 10/29/01 fax enclosing documents including approved drawing (4 pgs)		
D-25	John Gentile's 10/29/01 note to Leonardo Amaton		
D-26	Precision's 11/9/01 fax enclosing Quality Flow Process Plan (2 pgs)		
D-27	John Gentile's 12/3/01 note regarding call to Henry Gallo		
D-28	John Gentile's 12/12/01 note regarding tubes out of spec		
D-29	John Gentile's 12/12/01 fax to Ed Kezys regarding tubes out of spec (Kezys 19)	To redaction	Attorney-client privilege
D-30	John Gentile's 12/13/01 fax to Ed Macomb regarding production problem and proposed solution (6 pgs)		
D-31	John Gentile's note directing Donna to send sample to Ed Macomb		
D-32	Precision's 12/14/01 no charge invoice for sample		
D-33	Precision's 12/14/01 packing list for sample		
D-34	Precision's 1/9/02 letter to Ed Kezys regarding production delay		
D-35	Precision's 1/11/02 e-mail regarding 1/18/02 inspection		
D-36	Henry Gallo's 1/11/02 fax to Precision requesting quality plan		
D-37	Sulaiman fax dated 8/30/01 responding to Kezys e-mail of 8/17/01 (Kezys 16)		
D-38	Kezys notes of telephone conversation with John Gentile regarding properties produced by annealing (Kezys 17)		
D-39	Kezys e-mail to Sulaiman regarding delay in production of tubes caused by September 11 incident (Kezys-20)		
D-40	Qatar Petroleum's 8/09/01 fax to Velosi enclosing Purchase Order and other documents (Gallo-1)		
D-41	Qatar Petroleum Purchase Order (Gallo-2) (13 pgs)		

Exhibit No.	Description	Objection	Response to Objection
D-42	Global's 8/23/01 Purchase Order to Precision Tube (Gallo-3) (2 pgs)		
D-43	Qatar Petroleum fax to Velosi (Gallo-4) (2 pgs)		
D-44	Velosi's 9/18/01 fax to Global Contacts (Gallo-5)		
D-45	Gallo 12/2/01 acknowledgement (Gallo 6)		
D-46	Gallo 1/11/02 fax to Precision Tube (Gallo 7)		
D-47	Precision's 11/9/01 Manufacturing Process Flow (Gallo 8)		
D-48	Qatar Petroleum's 01/28/02 e-mail accepting the tube ends (Gallo 9)		
D-49	Gallo's 02/07/02 Release 01 (Gallo 10)		
D-50	Precision's 02/07/02 fax to Gallo (Gallo 11) (7 pgs)	To redaction	Attorney-client privilege
D-51	Gallo's 02/21/02 Release 02 (Gallo 12)		
D-52	Precision's 02/21/02 letter to Gallo (Gallo 13) (9 pgs)		
D-53	Kezys 03/11/02 fax to Gallo regarding quantity of Release 02 (Gallo 14)		
D-54	Gallo's 03/12/02 Release 003R (Gallo 15)		
D-55	Gallo's 04/11/02 Release 03 (Gallo 16)		
D-56	Kezys 07/03/03 e-mail to QIE re Gallo's involvement in plan to repair tubes (Gallo 17)		
D-57	Gallo's 01/21/02 Inspection Report (Gallo 18) (2 pgs)		
D-58	Gallo's 2/7/02 Inspection Report (Gallo 19) (2 pgs)		
D-59	Gallo's 2/21/02 Inspection Report (Gallo 20) (2 pgs)		
D-60	Gallo's 4/11/02 Inspection Report (Gallo 21) (2 pgs)		
D-61	Kezys 01/28/02 e-mail to Gentile communicating approval of tube ends by QP (Kezys 21) (2 pgs)	To redaction	Attorney-client privilege
D-62	Kezys 04/23/02 e-mail to QIE (Kezys 22) (3 pgs)		
D-63	Kezys 08/13/02 e-mail to QIE requesting digital photographs (Kezys 23)		
D-64	Kezys 08/09/02 fax to QIE re proposal to anneal tubes (Kezys 24)		
D-65	Kezys 09/28/02 fax to QIE re annealing (incomplete) (Kezys 26)		
D-66	Global's 10/08/02 fax to QIE re annealing (Kezys 27)		
D-67	Precision's 10/24/02 fax to Kezys re Wednesbury Tube (Kezys 29)	To redaction	Attorney-client privilege
D-68	Global's 12/13/02 fax to QIE re Precision's position (Kezys 31)		
D-69	Global's 12/27/02 fax to QIE re unanticipated consequences of change in materials (Kezys 32) (incomplete)		
D-70	Precision's 01/10/03 fax to Kezys regarding proposal (Kezys 34)		
D-71	Precision's 09/03/03 letter to Kezys and Friedberg re proposal (Kezys 35) (2 pgs)		
D-72	Global's 09/12/03 fax to Precision regarding proposal		

Exhibit No.	Description	Objection	Response to Objection
	(Kezys 36)		
D-73	Global's 09/04/03 fax to Precision regarding negotiations (Kezys 37)		
D-74	Civil Action Complaint (Kezys 38) (24 pgs)		
D-75	Sulaiman 08/02/01 Purchase Order to Global (Macomb 1) (2 pgs)		
D-76	Global's 04/14/04 fax to Harry Friedberg itemizing damages (Macomb 3)		
D-77	Precision's 02/07/02 Certification and Test Reports (Kezys 13)		
D-78	Velosi Web Page	Hearsay	Withdrawn
D-79	Campbell Laird - Curriculum Vitae (16 pgs)	Hearsay	List of publications, presentations, memberships, etc.
D-80	Howard Silverstone, CPA - Curriculum Vitae (7 pgs)	Hearsay	List of publications
D-81	Precision's 02/05/02 letter to Global regarding shattered mandrel		
D-82	Photo	Never previously disclosed; no foundation; defendant refused to allow plaintiff access to take photographs of the tubes in question	The photos were taken on August 13 and September 9, 2005. They were produced on August 26 and September 16, 2005. Plaintiff sought to take photographs in defendant's plant during a visit to pick up tube samples; plaintiff failed to provide advance notice of desire to take photographs; there was no agreement as to limitations on photography in defendant's plant.
D-83	Photo	"	"
D-84	Photo	"	"
D-85	Photo	"	"
D-86	Photo	"	"
D-87	Photo	"	"
D-88	Photo	"	"
D-89	Photo	"	"
D-90	Photo	"	"
D-91	Photo	"	"
D-92	Photo	"	"
D-93	Photo	"	"

Exhibit No.	Description	Objection	Response to Objection
D-94	Photo	"	"
D-95	Photo	"	"
D-96	Photo	"	"
D-97	Photo	"	"
D-98	Photo	"	"
D-99	Photo	"	"
D-100	Photo	"	"
D-101	Photo	"	"
D-102	Photo	"	"
D-103	Photo	"	"
D-104	Photo	"	"
D-105	Photo	"	"
D-106	Photo	"	"
D-107	Photo	"	"
D-108	Photo	"	"
D-109	Photo	"	"
D-110	Photo	"	"
D-111	Photo	"	"
D-112	Photo	"	"
D-113	Photo	"	"
D-114	Photo	"	"
D-115	Photo	"	"
D-116	Photo	"	"
D-117	Photo	"	"
D-118	Global Financial Statements f/y/e 12/31/99 (7 pgs)		
D-119	Global Financial Statements f/y/e 12/31/00 (6 pgs)		
D-120	Global Financial Statements f/y/e 12/31/01 (5 pgs)		
D-121	Global Financial Statements f/y/e 12/31/02 (5 pgs)		
D-122	Global Financial Statements f/y/e 12/31/03 (3 pgs)		
D-123	Global Financial Statements f/y/e 12/31/04 (4 pgs)		
D-124	Global's 1999 Tax Return (15 pgs)		
D-125	Global's 2000 Tax Return (6 pgs)		
D-126	Global's 2001 Tax Return (10 pgs)		
D-127	Global's 2002 Tax Return (11 pgs)		
D-128	Global's 2003 Tax Return (4 pgs)		
D-129	Global's 2004 Tax Return (32 pgs)		
D-130	Global's 07/04/01 fax to Sulaiman re change in material		
D-131	Saudi Arabian Oil Co.'s 11/29/98 request for quote for MECO tubes		
D-132	Wilken report (26 pgs)		
D-133	Kremer report (11 pgs)		
D-134	PTC Certification and Test Reports - 2/7/02		
D-135	Precision's drawing no. 880/333 6-5-99	Relevance	Better copy of D-13 PTC drawing of subject tube based on Global drawing D-12

Exhibit No.	Description	Objection	Response to Objection
D-136	Precision's drawing no. 880/333 with fax legend showing transmission by Global to Precision on 6-15-99	Not previously exchanged; prejudicial	Copy of D-13 (produced with initial disclosure) with fax legend showing date first received by PTC – first found by PTC in misc. file on 11-22-05
D-137	Production Work Order	Not previously exchanged; prejudicial	First found by PTC in misc. file on 11-22-05; produced to Global 11-30-05
D-138	PTC Quote fluted tube alloy 687 - 6/15/99	Not previously exchanged; prejudicial; incomplete	First found by PTC in misc. file on 11-22-05; produced to Global 11-30-05; Doc is complete
D-139	Global Contacts Request for Quotation - 6/4/01 with fax legend showing date of transmission and number of pages		
D-140	Message to Jean Sanders from Bill C - 6/7/01 price quote		
D-141	E-mail to Jean Sanders from Mark Rodriguez - 6/8/01 requesting price for cu-ni tube stock	Not previously exchanged; prejudicial	First found by PTC in misc. file on 11-22-05; produced to Global 11-30-05
D-142	E-mail to Jean Sanders from Richard Scholte - 6/12/01 re price quote for cu-ni tube stock		
D-143	Message to Jean Sanders from Bill C re price quote for Global - 6/7/01		
D-144	Production Work Order	Not previously exchanged; prejudicial	First found by PTC in misc. file on 11-22-05; produced to Global 11-30-05

D-145	Book Pricing Quote - 6/12/01	Not previously exchanged; prejudicial	First found by PTC in misc. file on 11-22-05; produced to Global 11-30-05
D-146	PTC quote for fluted tubes alloy 687 arsenical aluminum brass alloy- 6/12/01	Not previously exchanged; prejudicial; incomplete	First found by PTC in misc. file on 11-22-05; produced to Global 11-30-05; Doc is best available.

Respectfully submitted,

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